

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

2008 RIVER WALCK
SALOON, LLC, et al.,

Plaintiff,

V.

WILLIAM BEARD,

Defendant.

3:15-CV-2095
(JUDGE MARIANI)

FILED
SCRANTON

JUN 29 2017

ORDER

PER 
DEPUTY CLERK

The background of this Order is as follows:

Plaintiffs filed a Complaint in the above captioned matter on October 29, 2015. (Doc.

1). On January 21, 2016, Defendant William Beard filed a form answer and letter with the Court. (Doc. 8). The form answer was not filled out, but Defendant's letter generally denied any wrongdoing. The letter, however, did not specifically admit or deny the factual allegations in Plaintiffs' Complaint. Federal Rule of Civil Procedure 8(b) provides:

(b) Defenses; Admissions and Denials.

(1) *In General.* In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it; and

(B) admit or deny the allegations asserted against it by an opposing party.

(2) *Denials--Responding to the Substance.* A denial must fairly respond to the substance of the allegation.

(3) General and Specific Denials. A party that intends in good faith to deny all the allegations of a pleading—including the jurisdictional grounds—may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted.

(4) Denying Part of an Allegation. A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.

(5) Lacking Knowledge or Information. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

(6) Effect of Failing to Deny. An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

Thus, Defendant's failure to respond to the factual allegations in Plaintiff's Complaint was not in compliance with Rule 8(b).

ACCORDINGLY, THIS 21st DAY OF JUNE, 2017, in light of the above, IT IS

HEREBY ORDERED THAT:

1. Defendant **SHALL RESPOND** to Plaintiffs' Complaint, (Doc. 1), within **fourteen (14) days** from the date of this Order. Specifically, Defendant shall comply with Rule 8(b) by admitting or denying each of the following numbered paragraphs in Plaintiffs' Complaint: ¶¶ 1-6, 10-24, 26-30, 32-33, 35-39, 42-47, 49-54, 56-61, 63-67.
2. Defendant is **PUT ON NOTICE** that failure to timely respond to this Court's Order may result in the entry of default against him.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to Defendant, William Beard, via U.S. Mail, First Class, postage pre-paid, to the following address:

227 S. Home Ave.
Topton, PA 19562



Robert D. Mariani
United States District Court Judge